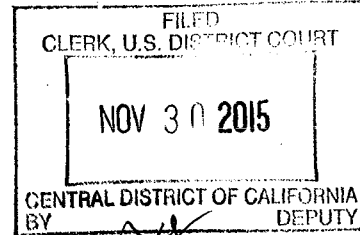


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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

**James Davis Bennett and Pamela  
Bennett,**  
  
Plaintiffs,  
  
— v. —  
  
**United States of America,**  
  
Defendant.

No. 15-cv-1923 RGK (Ex)

~~Proposed~~ Supplemental Protective  
Order

Discovery Matter

Honorable Charles F. Eick  
United States Magistrate Judge

1 The Court, having read and considered the parties' joint stipulation for  
2 supplemental protective order, and for the reasons stated in the joint stipulation and for  
3 good cause shown,

4 **It is hereby ordered** that the United States, including its current and former  
5 employees deposed in this case, may disclose (1) information about the health and  
6 medical status of an inmate with tuberculosis at the Federal Correctional Institution in  
7 Safford, Arizona (FCI Safford), and (2) information about the health and medical status  
8 of other inmates and staff members who may have been exposed to the inmate with  
9 tuberculosis at FCI Safford (hereinafter referred to as Protected Material).

10 The parties and their counsel shall use Protected Material for purposes of this case  
11 only, and not for any other purpose.

12 Protected Material shall be disclosed only to:

- 13 a. Counsel of record for the parties in this case;  
14 b. Plaintiffs, provided that they execute and file with the Court the  
15 attached agreement to be bound by protective order in the form attached hereto as  
16 Exhibit A.

17 No party shall lodge or file documents, pleadings, transcripts, or other materials in  
18 this case containing or disclosing Protected Material without seeking Court approval to  
19 lodge or file the Protected Material under seal under Local Rule 79-5.1.

20 At the end of this case, including any appeal, all originals and duplicates (as  
21 defined by Federal Rule of Evidence 1001) of Protected Material shall be returned to the  
22 United States by plaintiffs' counsel within 30 days of the termination of the case. This  
23 shall not include documents filed with the Court or documents containing plaintiffs'  
24 counsel's notations, which plaintiffs' counsel shall destroy within 30 days of the  
25 termination of the case.

26 At the end of this case, including any appeal, plaintiffs' counsel shall certify to this  
27 Court that they have irretrievably destroyed all originals and duplicates (as defined by  
28 Federal Rule of Evidence 1001) of Protected Material.

1 This stipulated protective order is not intended to compromise the rights of any  
2 party to object to discovery under the Federal Rules of Civil Procedure or any other  
3 authority; nor is it intended to alter any burden of proof regarding any assertion of  
4 privilege. This stipulated protective order permits, but does not require, the United States  
5 to produce Protected Material.

6 Nothing in this stipulated protective order shall prohibit a party from seeking  
7 further protection against disclosure of Protected Material.


8 Nothing in this stipulated protective order constitutes a waiver of any party's right  
9 to seek a Court order permitting the future use and/or production of unredacted copies of  
10 the Protected Material.

11 Nothing in this stipulated protective order constitutes a waiver of the United  
12 States' right to use, disclose, or disseminate the Protected Material in accordance with  
13 the Privacy Act, any applicable statutes or regulations, or Federal Bureau of Prisons  
14 policies.

15 Neither the United States Department of Justice, including the Federal Bureau of  
16 Prisons and the United States Attorney's Office, nor any of its officers, agents, current or  
17 former employees, or attorneys, shall bear any responsibility or liability for any  
18 disclosure of any Protected Material obtained by the parties under this stipulated  
19 protective order, or of any information contained in Protected Material.

1 This stipulated protective order does not constitute a ruling on whether any  
2 particular document or category of information is properly discoverable or admissible  
3 and does not constitute a ruling on any potential objection. Other than the documents and  
4 information explicitly set forth herein, this stipulated protective order does not apply to  
5 any information or documents subject to a claim of privilege or other basis of exclusion,  
6 and this stipulated protective order shall not be precedent for adopting any procedure  
7 with respect to the disclosure of any other information.

8  
9 Dated: 11/30, 2015

  
**Honorable Charles F. Eick**  
United States Magistrate Judge

10  
11 Presented by:

12 KAYE, McLANE,  
13 BEDNARSKI & LITT, LLP

14 /s/ David S. McLane

15 Barrett S. Litt  
16 David S. McLane

17 KAIRYS, RUDOVSKY,  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA

3 **James Davis Bennett and Pamela**  
4 **Bennett,**

5 Plaintiffs,

6 – v. –

7 **United States of America,**

8 Defendant.

No. 15-cv-1923 RGK (Ex)

**Agreement To Be Bound By  
Supplemental Protective Order**

Honorable R. Gary Klausner  
United States District Judge

9 The undersigned, having read and fully understood the terms of the supplemental  
10 protective order entered by the Court in the above-captioned case, hereby agrees to be  
11 bound thereby. The undersigned agrees that Protected Material, as defined in the joint  
12 stipulation for supplemental protective order, may be used only in this case and not for  
13 any other purpose. The undersigned agrees not to disseminate or disclose Protected  
14 Material or the contents thereof.

15 Dated: \_\_\_\_\_, 2015

16 \_\_\_\_\_  
Name

17 \_\_\_\_\_  
Signature